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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,014	12/04/2001	Chen Xing Su	10209.276	6898
21999 75	90 06/30/2004		EXAM	INER
KIRTON ANI	O MCCONKIE		OH, SIM	NON 1
1800 EAGLE G 60 EAST SOUT			ART UNIT	PAPER NUMBER
P O BOX 45120			1615	
SALT LAKE CITY, UT 84145-0120			DATE MAILED: 06/30/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
		10/006,014	SU ET AL.	
Office Action Summary		Examiner	Art Unit	
		Simon J. Oh	1615	
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with	the correspondence address	
THE - Externafter - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPL'MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period or the tore to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a rep y within the statutory minimum of thirty will apply and will expire SIX (6) MONTI e, cause the application to become ABA	oly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).	
Status				
1)⊠	Responsive to communication(s) filed on 14 Ju	<u>une 2004</u> .		
2a) <u></u> ☐	This action is FINAL . 2b)⊠ This	action is non-final.		
3) Since this application is in condition for allowance except for formal matters, prosecution as to the m				
	closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D.	11, 453 O.G. 213.	
Dispositi	ion of Claims			
5)□ 6)⊠ 7)□	Claim(s) 1-10,12 and 13 is/are pending in the adaptive day of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) 1-10,12 and 13 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	wn from consideration.		
Applicati	ion Papers			
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examine	epted or b) objected to by drawing(s) be held in abeyanc tion is required if the drawing(s	e. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).	
Priority ι	under 35 U.S.C. § 119			
a)l	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureau See the attached detailed Office action for a list	is have been received. Is have been received in Ap rity documents have been re u (PCT Rule 17.2(a)).	plication No eceived in this National Stage	
Attachmen	• •	A) []	mman/ (DTO 412)	
2) Notice 3) Inform	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date	Paper No(s)/	mmary (PTO-413) /Mail Date ormal Patent Application (PTO-152)	

Application/Control Number: 10/006,014

Art Unit: 1615

DETAILED ACTION

Papers Received

Receipt is acknowledged of the applicant's amendment, response, petition for extension of time, and request for continued examination, all received on 14 June 2004.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of Claims 1-10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moniz in view of Nair *et al.*, and Wadsworth *et al.* is withdrawn.

Claims 1-10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gidlund (U.S. Patent No. 6,346,449).

The Gidlund patent teaches the use for an extract derived from the fruits, leaves, bark or roots of *Morinda citrifolia*. Fruit extracts may be either liquid, as pressed from the fruits and processed in the ways conventional to the art; or they may be processed into a powder (See Abstract; and Column 4, Lines 19-30). The liquid extract of *Morinda citrifolia* will be present in an amount ranging from 0.1 mL to 2 mL per kilogram of body weight of the patient. The dry extract of *Morinda citrifolia* will be present in an amount ranging from 5 mg to 200 mg per kilogram of body weight of the patient (See Column 5, Lines 16-23). Specific dosages will depend on factors such as age and general state of health (See Column 5, Lines 42-49). The

Art Unit: 1615

medicament containing the *Morinda citrifolia* may be in various forms, including a liquid solution, emulsion, or suspension, granules, pills, capsules, and tablets, to be administered in a single daily dose or several daily doses (See Column 5, Lines 56-62).

Although the Gidlund patent is directed towards methods of treating tinnitus, it is disclosed that in other prior art, that *Morinda citrifolia* is known to be useful for other conditions, such as menstrual cramps, arthritis, gastric ulcers, sprains, injuries, and pain (See Column 2, Lines 3-19). It is the position of the examiner that one of ordinary skill in the art would be able to treat a patient for these conditions using the general guidelines disclosed in the Gidlund patent with a reasonable expectation of success. It is also the position of the examiner that the dosages ranges disclosed within the Gidlund patent read on the dosage ranges claimed in the instant application. Therefore, it is the position of the examiner that the property of selective COX-2 inhibition is inherent in the compositions disclosed in Gidlund. Thus, the instantly claimed invention is *prima facie* obvious.

Response to Arguments

The applicant's arguments, received on 14 June 2004, have been considered, but are not found to be persuasive.

Applicant's arguments with respect to the pending claims have been considered but are most in view of the new grounds of rejection presented above.

Application/Control Number: 10/006,014

Art Unit: 1615

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon J. Oh whose telephone number is (571) 272-0599. The

examiner can normally be reached on M-F 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thurman K Page can be reached on (571) 272-0602. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Simon J. Oh Examiner

Art Unit 1615

sjo

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Page 4